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1ST SESSION

S. 1559

To consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO membership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 3, 2009

Mr. KERRY (for himself and Mr. LUGAR) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To consolidate democracy and security in the Western Balkans by supporting the Governments and people of Bosnia and Herzegovina and Montenegro in reaching their goal of eventual NATO membership, and to welcome further NATO partnership with the Republic of Serbia, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “NATO-Western Bal-
5 kans Support Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) The commitment of the North Atlantic
4 Treaty Organization (NATO) to mutual defense and
5 the territorial integrity of its members has advanced
6 the democratic transformation of Central and East-
7 ern Europe and significantly enhanced the security
8 of Europe. Nowhere in Europe has the search for
9 sustainable peace been more challenging than in the
10 Western Balkans. NATO has the ability to encour-
11 age the countries of the Western Balkans to em-
12 brace collective security, consolidate their democratic
13 gains, and extend their commitment to integration in
14 Euro-Atlantic institutions.

15 (2) NATO membership offers the ultimate pro-
16 tection against perceived external threats and has
17 demonstrated its role in lowering regional tensions.
18 Croatia's successful accession to NATO has encour-
19 aged other states of the Western Balkans to con-
20 sider the possibility of their own membership more
21 seriously. Bosnia and Herzegovina and Montenegro
22 are already seriously engaged in the process of meet-
23 ing NATO membership criteria as active members of
24 the Partnership for Peace and Intensified Dialogue
25 with NATO.

1 (3) In Western Balkan states like Bosnia and
2 Herzegovina and Montenegro, the process of NATO
3 accession can provide focus for ongoing efforts to
4 improve the functionality and efficiency of the armed
5 forces and the state more broadly. In Bosnia and
6 Herzegovina, many reforms necessary to improve the
7 functionality of the state, such as resolution of the
8 defense-related property issue, are also necessary for
9 NATO membership.

10 (4) The success of Serbia is central to the suc-
11 cess of the Western Balkans. The United States
12 Government welcomes the decision of the democrat-
13 ically elected Government of Serbia to join the Part-
14 nership for Peace Program in 2006 and encourages
15 as strong a relationship as is possible between
16 NATO and the Government and people of Serbia. As
17 Vice President Joseph Biden said in Belgrade on
18 May 20, 2009, “The United States strongly sup-
19 ports Serbian membership in the European Union
20 and expanding security cooperation between Serbia,
21 the United States, and our allies. We will use our in-
22 fluence, our energy, and our resources to promote
23 Serbia’s Euro-Atlantic aspirations.”.

24 (5) In the NATO Participation Act of 1994
25 (title II of Public Law 103–447; 22 U.S.C. 1928

1 note), Congress declared that “full and active par-
 2 ticipants in the Partnership for Peace in a position
 3 to further the principles of the North Atlantic Trea-
 4 ty and to contribute to the security of the North At-
 5 lantic area should be invited to become full NATO
 6 members in accordance with Article 10 of such
 7 Treaty at an early date”.

8 (6) Under the NATO Enlargement Facilitation
 9 Act of 1996 (as enacted into law by section 101(c)
 10 of title I of division A of Public Law 104–208; 22
 11 U.S.C. 1928 note), Congress called for the prompt
 12 admission of Poland, Hungary, the Czech Republic,
 13 and Slovenia to NATO, and declared that “in order
 14 to promote economic stability and security in Slo-
 15 vakia, Estonia, Latvia, Lithuania, Romania, Bul-
 16 garia, Albania, Moldova, and Ukraine . . . the proc-
 17 ess of enlarging NATO to include emerging democ-
 18 racies in Central and Eastern Europe should not be
 19 limited to consideration of admitting Poland, Hun-
 20 gary, the Czech Republic, and Slovenia as full mem-
 21 bers of the NATO Alliance”.

22 (7) In the European Security Act of 1998 (title
 23 XXVII of division G of Public Law 105–277; 22
 24 U.S.C. 1928 note), Congress declared that “Poland,
 25 Hungary, and the Czech Republic should not be the

1 last emerging democracies in Central and Eastern
2 Europe invited to join NATO”.

3 (8) In the Gerald B. H. Solomon Freedom Con-
4 solidation Act of 2002 (Public Law 107–187; 22
5 U.S.C. 1928 note), Congress endorsed “. . . the vi-
6 sion of further enlargement of the NATO Alliance
7 articulated by President George W. Bush on June
8 15, 2001, and by former President William J. Clin-
9 ton on October 22, 1996.”.

10 (9) At the Madrid Summit of the North Atlan-
11 tic Treaty Organization in July 1997, Poland, Hun-
12 gary, and the Czech Republic were invited to join
13 NATO, and the North Atlantic Treaty Organization
14 heads of state and government issued a declaration
15 stating, “The alliance expects to extend further invi-
16 tations in coming years to nations willing and able
17 to assume the responsibilities and obligations of
18 membership . . . No European democratic country
19 whose admission would fulfill the objectives of the
20 [North Atlantic] Treaty will be excluded from con-
21 sideration”.

22 (10) At the Washington, DC, Summit of the
23 North Atlantic Treaty Organization in April 1999,
24 the North Atlantic Treaty Organization heads of
25 state and government issued a communique declar-

1 ing, “We pledge that NATO will continue to wel-
 2 come new members in a position to further the prin-
 3 ciples of the [North Atlantic] Treaty and contribute
 4 to peace and security in the Euro-Atlantic area . . .
 5 The three new members will not be the last . . . No
 6 European democratic country whose admission
 7 would fulfill the objectives of the Treaty will be ex-
 8 cluded from consideration, regardless of its geo-
 9 graphic location”.

10 (11) On June 15, 2001, in a speech in Warsaw,
 11 Poland, President George W. Bush stated, “All of
 12 Europe’s new democracies, from the Baltic to the
 13 Black Sea and all that lie between, should have the
 14 same chance for security and freedom—and the
 15 same chance to join the institutions of Europe—as
 16 Europe’s old democracies have . . . I believe in
 17 NATO membership for all of Europe’s democracies
 18 that seek it and are ready to share the responsibil-
 19 ities that NATO brings . . .”.

20 (12) On October 22, 1996, in a speech in De-
 21 troit, Michigan, former President William J. Clinton
 22 stated, “NATO’s doors will not close behind its first
 23 new members . . . NATO should remain open to all
 24 of Europe’s emerging democracies who are ready to
 25 shoulder the responsibilities of membership . . . No

1 nation will be automatically excluded . . . No coun-
2 try outside NATO will have a veto . . . A gray zone
3 of insecurity must not reemerge in Europe.”.

4 (13) At the Prague Summit of the North Atlan-
5 tic Treaty Organization in November 2002, Bul-
6 garia, Estonia, Latvia, Lithuania, Romania, Slo-
7 vakia, and Slovenia were invited to join NATO in
8 the second round of enlargement of the North Atlan-
9 tic Treaty Organization since the end of the Cold
10 War, and the North Atlantic Treaty Organization
11 heads of state and government issued a declaration
12 stating, “NATO’s door will remain open to Euro-
13 pean democracies willing and able to assume the re-
14 sponsibilities and obligations of membership, in ac-
15 cordance with Article 10 of the Washington Trea-
16 ty.”.

17 (14) At the Istanbul Summit of the North At-
18 lantic Treaty Organization in June 2004, the North
19 Atlantic Treaty Organization heads of state and gov-
20 ernment issued a communique reaffirming that
21 NATO’s door remains open to new members, declar-
22 ing, “We celebrate the success of NATO’s Open
23 Door Policy, and reaffirm today that our seven new
24 members will not be the last. The door to member-
25 ship remains open.”.

1 (15) At the Riga Summit of the NATO Alliance
2 November 2006, NATO heads of state and govern-
3 ment affirmed in their declaration that “Bosnia and
4 Herzegovina, Montenegro and Serbia can offer valu-
5 able contributions to regional stability and security”
6 and that NATO should “encourage further positive
7 developments in the region on its path towards
8 Euro-Atlantic integration”. It was at Riga that Bos-
9 nia and Herzegovina, Montenegro, and Serbia were
10 offered membership in the Partnership for Peace
11 and Euro-Atlantic Partnership Council.

12 (16) At the Bucharest Summit of the NATO
13 Alliance in April 2008, the NATO heads of state
14 and government issued a declaration stating that in
15 the Balkans, “Euro-Atlantic integration, based on
16 democratic values and regional cooperation, remains
17 necessary for lasting peace and stability.” The Dec-
18 laration also noted that “we have decided to invite
19 Bosnia and Herzegovina and Montenegro to begin
20 an Intensified Dialogue on the full range of political,
21 military, financial, and security issues relating to
22 their aspirations to membership”.

23 (17) At the Strasbourg/Kehl NATO Summit,
24 the heads of state and government participating in
25 the meeting of the North Atlantic Council on April

1 4, 2009, reiterated that “[i]n accordance with Arti-
2 cle 10 of the Washington Treaty, NATO’s door will
3 remain open to all European democracies which
4 share the values of our Alliance, which are willing
5 and able to assume the responsibilities and obliga-
6 tions of membership, and whose inclusion can con-
7 tribute to common security and stability”.

8 (18) The Summit Declaration also acknowl-
9 edged the progress of the Government of Bosnia and
10 Herzegovina on “cooperation with NATO, including
11 through implementation of its current IPAP, and
12 the country’s expressed intention to apply for MAP
13 at an appropriate time.” The declaration also urged
14 “Bosnia and Herzegovina’s political leaders to take
15 further genuine steps to strengthen state-level insti-
16 tutions and reinvigorate the reform process to ad-
17 vance the country’s Euro-Atlantic aspirations.”.

18 (19) With respect to Montenegro, the NATO
19 heads of state and government declared at the 2009
20 Strasbourg/Kehl NATO Summit, “We welcome
21 Montenegro’s successful and active implementation
22 of its current Individual Partnership Action Plan
23 (IPAP) with NATO. We are encouraged by the re-
24 forms it has made in a number of areas that are es-
25 sential to its Euro-Atlantic integration and also by

1 its contributions to cooperation and security in the
 2 region. We are looking forward to Montenegro's fur-
 3 ther determined efforts in this regard. The Council
 4 in permanent session is keeping Montenegro's
 5 progress under active review and will respond early
 6 to its request to participate in the Membership Ac-
 7 tion Plan (MAP), on its own merits."

8 (20) Bosnia and Herzegovina and Montenegro
 9 deserve recognition for their cooperation with the
 10 International Criminal Tribunal for the former
 11 Yugoslavia (ICTY). Although Serbia has not yet
 12 completely fulfilled its ICTY obligations, the contin-
 13 ued support of the Government of Serbia for the
 14 process until its conclusion is the best way to ensure
 15 the peace and to prepare the way to full participa-
 16 tion of Serbia in European institutions.

17 **SEC. 3. DECLARATIONS OF POLICY.**

18 Congress—

19 (1) supports the commitment to further en-
 20 largement of the North Atlantic Treaty Organization
 21 to include Bosnia and Herzegovina and Montenegro,
 22 as European democracies, that are able and willing
 23 to meet the responsibilities of membership, as ex-
 24 pressed by NATO in its Madrid Summit Declaration
 25 of 1997, its Washington, DC, Summit Communique

1 of 1999, its Prague Summit Declaration of 2002, its
2 Istanbul Summit Communique of 2004, its Riga
3 Summit Declaration of 2006, its Bucharest Summit
4 Declaration of 2008, and its Strasbourg/Kehl Dec-
5 laration of 2009;

6 (2) encourages United States allies in the
7 North Atlantic Treaty Organization to utilize the op-
8 portunity of the ongoing Strategic Concept review to
9 reinvigorate and transform NATO's approach to its
10 commitment to the peace, stability, and democratic
11 success of the Western Balkans;

12 (3) endorses cooperation with representatives of
13 the Government of Bosnia and Herzegovina to deter-
14 mine a realistic timetable and plan, constructed in
15 conjunction with other NATO allies, for Bosnia and
16 Herzegovina to meet the criteria for NATO member-
17 ship, with the goal of improving the functionality of
18 the Government of Bosnia and Herzegovina through
19 the achievement of the commonly accepted political,
20 military, economic, and social standards;

21 (4) declares that United States support for
22 Bosnia and Herzegovina's membership should be
23 contingent upon thorough achievement of these ex-
24 acting requirements, and that NATO membership
25 criteria must not be compromised;

1 (5) calls for the timely admission of Bosnia and
2 Herzegovina and Montenegro contingent upon their
3 continued implementation of democratic, defense,
4 and economic reform, and their willingness and abil-
5 ity to meet the responsibilities of membership in the
6 North Atlantic Treaty Organization and a clear ex-
7 pression of national intent to do so; and

8 (6) reaffirms the need for engagement with the
9 democratically elected government of Serbia and
10 amelioration of past bilateral tensions with greater
11 interaction between the people of the United States
12 and Serbia, including support by the United States
13 Government for the process of including Serbia in
14 trans-Atlantic institutions as the Government of Ser-
15 bia fulfills the necessary criteria.

16 **SEC. 4. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) the existing position of political advisor
19 within the NATO Mission in Sarajevo should be
20 filled by an ambassadorial-level United States dip-
21 lomat as “senior civilian representative” to the
22 NATO Mission in Sarajevo;

23 (2) this senior civilian representative should
24 have primary responsibility for defense and security

1 sector reform and NATO/Partnership for Peace inte-
2 gration;

3 (3) the position requires coordination with
4 international organizations and national authorities
5 in Bosnia and Herzegovina;

6 (4) it is important that this effort have civilian
7 leadership and the senior civilian representative
8 should work in conjunction with the senior military
9 representative and lead the political-military staff;

10 (5) the substantial credibility in Bosnia and
11 Herzegovina enjoyed by the United States should be
12 harnessed to facilitate the fulfillment by the Govern-
13 ment of Bosnia and Herzegovina of NATO member-
14 ship criteria; and

15 (6) the Secretary of State should provide a reg-
16 ular briefing, not less than annually, to the Com-
17 mittee on Foreign Relations of the Senate on the
18 progress of the efforts required under this Act.

19 **SEC. 5. DESIGNATION OF BOSNIA AND HERZEGOVINA AND**
20 **MONTENEGRO AS ELIGIBLE TO RECEIVE AS-**
21 **SISTANCE UNDER THE NATO PARTICIPATION**
22 **ACT OF 1994.**

23 (a) DESIGNATION.—

24 (1) BOSNIA AND HERZEGOVINA.—Bosnia and
25 Herzegovina is designated as eligible to receive as-

1 sistance under the program established under sec-
2 tion 203(a) of the NATO Participation Act of 1994
3 (title II of Public Law 103–447; 22 U.S.C. 1928
4 note), and shall be deemed to have been so des-
5 ignated pursuant to section 203(d)(1) of such Act.

6 (2) MONTENEGRO.—Montenegro is designated
7 as eligible to receive assistance under the program
8 established under section 203(a) of the NATO Par-
9 ticipation Act of 1994, and shall be deemed to have
10 been so designated pursuant to section 203(d)(1) of
11 such Act.

12 (b) RULE OF CONSTRUCTION.—The designation of
13 Bosnia and Herzegovina and Montenegro pursuant to sub-
14 section (a) as eligible to receive assistance under the pro-
15 gram established under section 203(a) of the NATO Par-
16 ticipation Act of 1994—

17 (1) is in addition to the designation of Poland,
18 Hungary, the Czech Republic, and Slovenia pursu-
19 ant to section 606 of the NATO Enlargement Facili-
20 tation Act of 1996 (as enacted into law by section
21 101(c) of title I of division A of Public Law 104–
22 208; 22 U.S.C. 1928 note), the designation of Ro-
23 mania, Estonia, Latvia, Lithuania, and Bulgaria
24 pursuant to section 2703(b) of the European Secu-
25 rity Act of 1998 (title XXVII of division G of Public

1 Law 105–277; 22 U.S.C. 1928 note), the designa-
2 tion of Slovakia pursuant to section 4(a) of the Ger-
3 ald B. H. Solomon Freedom Consolidation Act of
4 2002 (Public Law 107–187; 22 U.S.C. 1928 note),
5 and the designation of the Republic of Albania, the
6 Republic of Croatia, Georgia, the Republic of Mac-
7 edonia (FYROM), and Ukraine pursuant to section
8 4(a) of the NATO Freedom Consolidation Act of
9 2007 (Public Law 110–17; 22 U.S.C. 1928 note) as
10 eligible to receive assistance under the program es-
11 tablished under section 203(a) of the NATO Partici-
12 pation Act of 1994; and

13 (2) shall not preclude the designation by the
14 president of other countries pursuant to section
15 203(d)(2) of the NATO Participation Act of 1994 as
16 eligible to receive assistance under the program es-
17 tablished under section 203(a) of such Act.

18 **SEC. 6. AUTHORIZATION OF SECURITY ASSISTANCE FOR**
19 **COUNTRIES DESIGNATED UNDER THE NATO**
20 **PARTICIPATION ACT OF 1994.**

21 Of the amounts made available for fiscal year 2010
22 under section 23 of the Arms Export Control Act (22
23 U.S.C. 2763), such sums as may be necessary are author-

- 1 ized to be appropriated for assistance to Bosnia and
- 2 Herzegovina and Montenegro.

